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UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
PORTLAND DIVISION

ROBYNNE A. FAULEY, an individual,

Case No. 3:13-cv-00581-AC

Plaintiff,

v.

WASHINGTON MUTUAL BANK, F.A.;  
RESIDENTIAL FUNDING COMPANY,  
LLC; DEUTSCHE BANK TRUST  
COMPANY AMERICAS AS TRUSTEE;  
LNV CORPORATION; and DOES 1-20,

Defendants.

**DEFENDANT LNV CORPORATION'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF ITS MOTION TO  
DISMISS FIRST AMENDED  
COMPLAINT, MOTION TO STRIKE,  
OR, IN THE ALTERNATIVE, MOTION  
FOR MORE DEFINITE STATEMENT**

Pursuant to Federal Rule of Evidence Rule 201, Defendant LNV Corporation ("LNV") hereby respectfully requests that the Court take judicial notice of the following documents in connection with LNV's Motion To Dismiss Plaintiff's First Amended Complaint, Motion To Strike, Or, In The Alternative, Motion For More Definite Statement:

1. The docket sheet as available from PACER from Plaintiff's Chapter 7 bankruptcy case filed October 12, 2005 in the U.S. Bankruptcy Court for the District of Oregon ("Bankruptcy Court"), in the case entitled In re Jim Fauley and Robynne Elaine Ariel Fauley, Case No. 05-46193-tmb7 ("Chapter 7 Case), a true and correct copy of which is attached hereto as **Exhibit A**.

2. The motion for relief from the automatic stay filed in the Chapter 7 Case on or about July 28, 2006, by "Deutsche Bank Trust Company Americas as Trustee by Residential Funding Corporation, Attorney-In-Fact, its successors in interest, agents, assignees and/or assignors," a true and correct copy of which is attached hereto as **Exhibit B**.

3. The order of the Bankruptcy Court in the Chapter 7 Case on or about August 16, 2006, wherein the Bankruptcy Court granted the stay relief motion in favor of "Deutsche Bank Trust Company Americas as Trustee by Residential Funding Corporation, Attorney-In-Fact, its successors in interest, agents, assignees and/or assignors," a true and correct copy of which is attached hereto as **Exhibit C**.

4. The docket sheet as available from PACER from Plaintiff's Chapter 13 bankruptcy case filed September 11, 2007 in the Bankruptcy Court, in the case entitled In re Robynne Ariel Fauley, Case No. 07-33624 ("Chapter 13 Case"), a true and correct copy of which is attached hereto as **Exhibit D**.

5. The proposed Chapter 13 Plan filed by Plaintiff in the Chapter 13 Case on September 26, 2007, a true and correct copy of which is attached hereto as **Exhibit E**.

6. The Bankruptcy Court's order in the Chapter 13 Case confirming the Plan on or about November 7, 2007, a true and correct copy of which is attached hereto as **Exhibit F**.

7. LNV's motion for relief from the automatic stay filed on or about June 11, 2012, in the Chapter 13 Case, a true and correct copy of which is attached hereto as **Exhibit G.**

8. Plaintiff's response to LNV's motion for stay relief filed on June 19, 2012 in the Chapter 13 Case, a true and correct copy of which is attached hereto as **Exhibit H.** As set forth therein, Plaintiff stated, "**The debtor does not believe relief from stay should be granted, because the debtor is seeking a loan modification.**" (p. 3, ¶ 6.)

9. The Bankruptcy Court's order in the Chapter 13 Case or about July 13, 2012 granting LNV's motion for stay relief, a true and correct copy of which is attached hereto as **Exhibit I.**

DATED this 11th day of April, 2013.

WATT TIEDER HOFFAR & FITZGERALD, LLP

By: \_\_\_\_\_  
Christopher Wright, OSB #045483  
Attorneys for Defendant LNV  
CORPORATION

# CERTIFICATE OF SERVICE

The undersigned certifies and declares that on the 11th day of April, 2013, the foregoing **DEFENDANT LNV CORPORATION'S REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF ITS MOTION TO DISMISS FIRST AMENDED COMPLAINT, MOTION TO STRIKE, OR, IN THE ALTERNATIVE, MOTION FOR MORE DEFINITE STATEMENT** was served on the following counsel by the method indicated.

|                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>David P. Smith<br/>Smith Law Firm, P.C.<br/>1754 Willamette Falls Drive<br/>West Linn, OR 97068</p> <p><i>Attorneys for Plaintiff</i></p>                                                                                                                                                         | <p><input checked="" type="checkbox"/> CM/ECF Court System:<br/><a href="mailto:dave@thesmithfirmmpc.com">dave@thesmithfirmmpc.com</a></p> <p><input type="checkbox"/> Hand delivery via messenger service</p> <p><input checked="" type="checkbox"/> First Class Mail, postage prepaid thereon</p> <p><input type="checkbox"/> Facsimile: 503-657-6550</p>                                                                                          |
| <p>Michael J. Farrell<br/>Thomas W. Purcell<br/>Martin, Bischoff, Templeton,<br/>Langslet &amp; Hoffman, LLP<br/>888 SW Fifth Avenue, Suite 900<br/>Portland, Oregon 97204</p> <p><i>Attorneys for Defendants JPMorgan Chase Bank, N.A. and Deutsche Bank Trust Company Americas, as Trustee</i></p> | <p><input checked="" type="checkbox"/> CM/ECF Court System :<br/><a href="mailto:mfarrell@martinbischoff.com">mfarrell@martinbischoff.com</a>;<br/><a href="mailto:tpurcell@martinbischoff.com">tpurcell@martinbischoff.com</a></p> <p><input type="checkbox"/> Hand delivery via messenger service</p> <p><input checked="" type="checkbox"/> First Class Mail, postage prepaid thereon</p> <p><input type="checkbox"/> Facsimile: 503-657-6550</p> |
| <p>Corporation Service Company<br/>2711 Centerville Rd. Suite 400<br/>Wilmington, DE 19808</p> <p><i>Agent for Service for Residential Funding Company, LLC</i></p>                                                                                                                                  | <p><input type="checkbox"/> CM/ECF Court System</p> <p><input type="checkbox"/> Hand delivery via messenger service</p> <p><input checked="" type="checkbox"/> First Class Mail, postage prepaid thereon</p> <p><input type="checkbox"/> Facsimile: 503-657-6550</p>                                                                                                                                                                                 |

DATED this 11th day of April, 2013 at Irvine, California.

\_\_\_\_\_  
/s/ Breean Cordova

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